(S)

22/11/07

(23)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6935 of 2007

PETITIONERS

1 Rameshwar Prasad Rathiya, s/o Pila Dou Rathiya, aged about 47 years, Assistant Teacher, Govt. Primary School, Jabalpur, Block Kharsia, Distt. Raigarh (C.G).

2 Chatram Patel, s/o Chandrika Prasad Patel, aged about 47 years, Assistant Teacher, Govt. Primary School, Purena, Block Kharsia, Distt. Raigarh (C.G)

Versus

RESPONDENTS

1 State of Chhattisgarh, Through : The Secretary, School Education Department, D.K.S. Bhawan, Raipur, District- Raipur (C.G.)

2 The Director, Public Instruction Department, Raipur (C.G)

3 Assistant Commissioner, Tribal & Welfare Department, Raigarh (C.G)

4 Block Education Officer, Kharsia, Distt. Raigarh (C.G)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Anil Mourya, counsel for the petitioners.

Ku. Sunita Jain, Panel Lawyer, for the State/ respondents on advance copy.

ORAL ORDER
(21.11.2007)

SUNIL KUMAR SINHA, J.

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A.No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition

was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/ Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu & others Vs. State Govt. of Chhattisgarh & another (W.P.(S) No. 813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (Supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

Rao